

Peace Preservation (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.
3. Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modification. Extension of license to have arms. Powers of persons acting under warrant to seize arms. Punishment for carrying and having arms contrary to law reduced to one year's imprisonment. Summary proceedings in certain cases. Amendment of section 39 as to grand jury presentments for compensation.
4. Continuance of 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89.
5. Continuance of certain parts of Protection of Life and Property in certain parts of Ireland Act, 1871.

SCHEDULES.

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B I L L

[AS AMENDED IN COMMITTEE];

TO

Amend and continue certain Acts for the Preservation of the Peace in Ireland. A.D. 1875.

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the first day of June one thousand eight hundred and seventy-five :

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for five years an Act passed in the fourth year of His late Majesty George the Fourth, to amend an Act passed in the fiftieth year of His Majesty George the Third, for preventing the administering and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter eighty-nine, and continued by divers Acts, was continued and limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five :

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods :

And whereas various persons have, by reason of neglect or otherwise, not complied with the directions contained in the second section of the said Act of the second and third years of the reign of Her present Majesty :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Peace Preservation (Ireland) Act, 1875."

[Bill 154.]

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A.D. 1875.

Repeal of
certain parts
of Peace
Preservation
(Ireland)
Act, 1870.

Continuance
of Peace
Preservation
(Ireland)
Act, 1870,
subject to
amendments
and modifi-
cation.

Extension of
license to
have arms.

Power of
persons act-
ing under
warrant to
seize arms.

2. From and after the passing of this Act the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed: Provided always, that such repeal shall not affect anything done or suffered, or any liability incurred under the enactments repealed. 5

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, and as continued by the 10 Peace Preservation (Ireland) Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, shall continue in operation 15 until the first day of June one thousand eight hundred and eighty.

Where any licence to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licences in such proclaimed district, if he shall think fit, by endorsement upon 20 such licence to authorise the person to whom such licence has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement. The person appointed to grant licences 25 to have or carry arms in any district shall be bound to grant a licence to have arms or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, to any person resident within the district who shall produce to him a certificate, signed by two justices of the peace for the 30 county residing within the same petty sessions district as the person producing such certificate, that he is a fit and proper person to have such licence respectively. Every person appointed to grant licences under this Act shall keep a list of the names and residences of all persons applying for such licences, and 35 shall on the first day of every year deposit with the clerk of the peace of the county a copy of such list, adding thereto to the name of each applicant a statement showing whether the licence has been granted or refused, specifying also the nature of the licence applied for, and the nature of the licence, if 40 any, granted, which list shall be kept by the clerk of the peace among the records of the county.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is

directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time between sunrise and sunset, in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant: Provided always, that such warrant shall not be executed except in the presence and under the direction of some person to whom such warrant is directed by name, and who is specially named therein.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding one year.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, and if the person so charged shall himself desire it, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned for any period not exceeding three calendar months; and if they find the offence not proved, they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms 1 and 2 in the Schedule (C.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any

A.D. 1875.

Punishment for carrying and having arms contrary to law reduced to one year's imprisonment.

Summary proceedings in certain cases.

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punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding one month may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

Amendment
of section 39
as to grand
jury presenta-
ments for compe-
tency.

Where any presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section conferred upon him with respect to appeals.

Continuance
of 2 & 3 Vict.
c. 74, as
amended by
11 & 12 Vict.
c. 80.

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for five years an Act passed in the fourth year of His late Majesty George the Fourth, to amend an Act passed in the fiftieth year of His Majesty George the Third, for preventing the administering and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of

A.D. 1875.

Her present Majesty, chapter eighty-nine, shall continue in operation until the first day of June one thousand eight hundred and eighty; but the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating friendly societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which directly and immediately relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof; provided that the trustees or other officers of the society, when required under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society, and in default thereof the provisions of the said Acts shall be in force in respect of such society: Provided always, that all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which, according to the rules and usage of the said society, are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, that if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.

Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act, 1871.

5. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall continue in operation until the first day of June one thousand eight hundred and seventy-seven.

[154.]

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FOUR (II.)

Certificate of Dismissal.

5 } We of Her Majesty's justices of the peace for the
 to wit. } [county] of certify, That on the
 day of in the year of our Lord at
 in the said [county] *A.B.* being charged before us, for that [he the
 said *A.B.*, *stating the offence charged, and the time and place when*
and where alleged to be committed], we did, having summarily
 adjudicated thereon, dismiss the said charge.
 10 Given under our hands and seals, this day of
 at in the [county] aforesaid.

J.S. (L.S.)*H.M.* (L.S.)

Peace Preservation
(Ireland).

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B I L L

[AS AMENDED IN COMMITTEE]

To amend and continue certain Acts
for the Preservation of the Peace in
Ireland.

(Prepared and brought in by
Sir Alfred Russel Dickson and Mr. Sullivan
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
6 May 1878.

[Bill 124.]

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